

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO NUNO,

Plaintiff,

v.

D. ESLICK, et al.,

Defendants.

Case No. 1:21-cv-00769-ADA-SAB (PC)

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO
FILE AN OPPOSITION AND DENYING,
WITHOUT PREJUDICE, PLAINTIFF'S
MOTION TO COMPEL DISCOVERY

(ECF No. 61)

Plaintiff Guillermo Nuno is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for an extension of time and to compel discovery, filed May 30, 2023. In his motion, Plaintiff requests an extension of the scheduling order "for the reasons of property issues during transfer, and health issues and mental health issues and lack of law library access ..." (ECF No. 61.) On the basis of good cause, the Court will grant Plaintiff thirty days to file an opposition to Defendants' pending motion to dismiss.

Plaintiff also submits that he has requested several documents from Defendants which he has yet to receive. Plaintiff's motion to compel must be denied, without prejudice.

Generally, if the responding party objects to a discovery request, the party moving to compel bears the burden of demonstrating why the objections are not justified. Grabek v. Dickinson, No. CIV S-10-2892 GGH P, 2012 WL 113799, at *1 (E.D. Cal. Jan. 13, 2012); Womack v. Virga, No. CIV S-11-1030 MCE EFB P, 2011 WL 6703958, at *3; Mitchell v. Felker,

No. CV 08-119RAJ, 2010 WL 3835765, at *2 (E.D. Cal. Sep. 29, 2010); Ellis v. Cambra, No. 1:02-cv-05646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008). This requires the moving party to inform the Court which discovery requests are the subject of the motion to compel, and, for each disputed response, why the information sought is relevant and why the responding party's objections are not meritorious. Grabek, 2012 WL 113799, at *1; Womack, 2011 WL 6703958, at *3; Mitchell, 2010 WL 3835765, at *2; Ellis, 2008 WL 860523, at *4. However, the Court is vested with broad discretion to manage discovery and notwithstanding these procedures, Plaintiff is entitled to leniency as a pro se litigant; therefore, to the extent possible, the Court endeavors to resolve his motion to compel on its merits. Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012); Survivor Media, Inc. v. Survivor Productions, 406 F.3d 625, 635 (9th Cir. 2005); Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002).

As an initial matter, Plaintiff has failed to attach a copy of the discovery requests at issue. In addition, Plaintiff has not individually addressed any particular discovery request, nor demonstrate that any specific response thereto is deficient. Accordingly, Plaintiff's motion to compel discovery shall be denied, without prejudice.

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff is granted thirty (30) days from the date of service of this order to file an opposition to Defendants' motion to dismiss; and
2. Plaintiff's motion to compel discovery is denied, without prejudice.

IT IS SO ORDERED.

Dated: May 31, 2023


UNITED STATES MAGISTRATE JUDGE